

APPROVED: MEETING NO. 45-84

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 41-84

December 3, 1984

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Maryland at Vinson Street, Rockville, Maryland, on Monday, December 3, 1984, at 8:00 p.m.

PRESENT

Mayor Viola D. Hovsepian

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman Peter Hartogensis

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan, City Attorney Paul Glasgow.

Re: City Manager's Report

Mr. Blick reported the following:

1. There will be an open house at the Civic Center Mansion on Sunday, December 9, from 1:00 to 10:00 p.m., 7:00 to 10:00 p.m. on Thursday, December 13, and 1:00 to 4:00 p.m. on Sunday, December 16. A decorating competition is being held with eight local organizations, each decorating one room of the Mansion in the colonial tradition with greenery and natural ornaments.

2. Chief Stout has been working with the Elwood Smith and Blandford Street neighborhood to institute a Neighborhood Watch Program. A provisional block captain has been identified and the target for initiating block watch activities is December 11.

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3. The contract for installation of the traffic signal at Rt. 355 and Templeton Place was awarded to WRC of Rockville.

4. The Permit Parking signs have arrived from the manufacturer and the Sign Crew is ready to begin installation. The Parking Districts should be in operation by December 17.

Councilman Abrams asked the City Manager if he had information on a letter from Mr. Lynott concerning the Rockville Pike Corridor Study. The City Manager said he would like to discuss that in Executive Session.

Councilman Tyner asked if the staff has been meeting with the neighborhood on the Metro Station openings and if they have discovered any problems. The City Manager said the redesign of Monroe and High Street will have to be done and there is a question as to whether the overpass at Monroe Street will be ready.

Councilman Tyner asked if the "No Left Turn" on Ardennes has been put in place since all the loose ends should be tied up prior to the opening.

Re: Appointments

Councilman Abrams asked a question on the vacancy on the Planning Commission. He asked the City Attorney if a member were appointed now, would that member be allowed to participate in a decision on the Westmont Tract which has been occupying the Commission for several months. The City Attorney said any new member would be asked to say that he had acquainted himself with the facts in order to go ahead and make the decision. A person should make that representation and it should be included in the resolution for the decision. Councilman Abrams asked if, given the time frame, it is prudent for a new commissioner to participate. Mr. Glasgow said that is a political judgment. It is a very large task for someone to acquaint himself with all the issues.

Councilman Abrams asked if the Mayor and Council had the authority to condition the appointment. Mr. Glasgow said the Mayor and Council do not have that power. State law gives an appointee full power and authority. The Mayor and Council cannot inhibit that.

Mayor Hovsepien made the following appointments. They were confirmed by the Council:

Human Rights Commission: Michael Taff - four year term

ACSC: Sally Roy - appointed as full member - two year term
 Marilyn Freeland - " " " " - " " "
 Mead Karras - " " " " - " " "

Daniel Karsner - appointed as Alternate - two year term
 880 College Parkway

Leanne Mertz - appointed as Alternate - two year term
 514 Anderson Avenue

Sister City Task Force - Richard Knorpp - two year term beginning in January

The were all approved by the Council.

Mayor Hovsepien proposed James Vitol for the vacancy of one month that exists on the Planning Commission and additionally for a five year year term on the Planning Commission beginning in January. Councilman Abrams thanked Mayor Hovsepien for the opportunity to interview Mr. Vitol. He taped the interview and has a transcript available. He said he wished he could join the Council in supporting the appointment, but he does not feel Mr. Vitol is the right or best person for the job. He would like to see new talent pulled in and right now new applications have continued to come in. He questioned the haste and said he reluctantly must oppose the appointment.

Councilman Tyner said he differs strongly with Councilman Abrams. Although on many occasions he did not agree with Mr. Vitol he felt that he considered all sides of the issues and felt he represented the citizens well. Councilman Hartogensis said he hoped this evening's appointment could be made unanimous

since a couple of months ago he stood in Mr. Vitol's shoes and although some members of the Mayor and Council did not agree with his appointment, they all supported it. He added that he hoped Councilman Abrams would change his mind.

Councilman Abrams said he wished he could change his mind but it is just as important for Mr. Vitol to know that one member of the Council is taking notice of all of his actions.

The appointment was approved, only Councilman Abrams voting nay.

Re: Presentation to Stepping
Stones

The Stepping Stones Homeless Shelter provides temporary shelter and counseling to members of the community who find themselves homeless through any number of circumstances. Helayne Baker, Director of Stepping Stones, was presented with a \$5,000 grant from the City of Rockville. Mayor Hovsepian complimented Ms. Baker on the previous work and the valuable services provided to the City of Rockville and expressed her sincere hope that the shelter will be able to continue its service to the community. Ms. Baker thanked the Mayor and Council and noted that the funds would help with an upgrade of the facility. She said they have spent four years in the Rockville area and are most pleased to work in a community with conscientious leaders and she is proud she is part of Rockville.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Steve Albersheim, Glenora Citizens Association. Mr. Albersheim asked if the City might schedule a later leaf pick up in his neighborhood in mid December since there was a late leaf fall this year and there are many leaves still on the ground although the last collection day has past. The City Manager said he would ask the Public Works Director to look into this request.

2. Marion Devereaux. Mrs. Devereaux addressed the Council and said she has previously set up a soup kitchen in the County and she feels there is a need in the Rockville area, particularly in Lincoln Park. She asked the Council to assist in this project. It will be necessary to expand the kitchen area of the building and build a health approved kitchen. It could be funded by volunteers and the community.

Councilman Abrams asked the staff to prepare information for the Mayor and Council so that it might see a demonstration of need. He said since the City is ready for midyear budget review this would be the time to select an appropriate role for the City. Councilman Tyner asked if Mrs. Devereaux has figures for just the City. Mrs. Devereaux said she feels there is a need to feed 100 persons per day.

3. Patrick Woodward, 111 North Van Buren Street, President, West End Citizens Association. Mr. Woodward said he had mailed a letter to the Mayor and Council concerning the agreement on the Town Center Development that addresses the residential aspects of the Town Center. The new agreement effectively removes residences. There is a move in the market place to allow people to live near where they work and he sees no need to build a total commercial center benefit of night time activities such as Rosslyn.

As Chairman of the Board of Appeals, Mr. Woodward said he plans to testify at the hearing on amendments to the Ethics Ordinance tomorrow evening and it is difficult for Boards and Commissions to compress their testimony into the time. He asked the Mayor and Council to consider in their procedures that Boards and Commissions might have additional time to make a presentation. Mayor Hovsepian said this could be discussed under New Business. Councilman Hartogensis asked if Mr. Woodward would wait until the end of the meeting to do a longer presentation. Mr. Woodward said he would be happy to do that providing it is not too late.

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4. Richard Arkin. Mr. Arkin said he will be testifying at the hearing on Ethics as an individual. He asked how long the record would be kept open. The Mayor said it would possibly be kept open for one month.

5. Robert Jacques, Chairman of the Tax Board for Montgomery County. Mr. Jacques said the Mayor and Council should start thinking of the shrinkage in the County's Assessable Base as it has an impact on the City. He also suggested they look into the many non-state residents who live in the City who do not change their address in order to avoid paying State income tax to Maryland. This is a loss in revenue passed through to the City. Councilman Abrams said according to Maryland law, people pay the highest tax applicable to whatever jurisdiction. Mayor Hovsepien asked the staff to look into Mr. Jacques' suggestion and encourage the County and Municipal League to cooperate if legislation is necessary.

6. Arlene Simons. Ms. Simons said she is concerned with the previous speaker's request for a soup kitchen since she has never been made aware of an identified need for such. There are many good shelters that exist and the Catholic Charities is quite active in providing this service. She would like to have an opportunity to sit down and discuss the numbers. At the same time she feels it is not necessary to put a soup kitchen in Lincoln just because the building is there.

There being no other citizen wishing to be heard, the Mayor closed the citizens forum portion of the meeting.

Re: Work Session: Human
Rights Commission (a)
Action Plan - (b)
Amendment to Chapter 13 to
eliminate discrimination
in housing to families
with children

The Mayor and Council conducted a work session with the Human Rights

Commission and discussed their future work plans and the necessity of maintaining full staff capacity. It was agreed that the Commission needs to identify the importance of the various items in their work plan and prioritize them. In this way an efficient measurement can be made of the progress. The Council agreed to wait for further information from the staff before introducing the ordinance on housing for families with children.

Re: Review of Design
Schematics of Hotel and
Office Building for
Courthouse Square site

The Architect for the New Rockville Town Center Partners presented a review of design schematics for proposed hotel and office building complex that will be constructed in the Courthouse Square site. Members of the Planning Commission and the Mayor and Council reviewed the designs.

Re: Resolution: To authorize
the Mayor to sign the
amended and restated
disposition and
development agreement with
New Rockville Town Center
Partners (NRTCP)

Resolution No. 39-84

(Councilman Hartogensis abstained).

This resolution establishes the values of the properties proposed to be sold or leased through the Amended and Restated Disposition and Development Agreement between the Mayor and Council and New Rockville Town Center Partners. The Resolution also authorizes the Mayor to execute the Agreement on behalf of the City.

Councilman Abrams noted that he appreciated the comments of the West End Citizens Association particularly on development in the Rosslyn area. He said that he works in that area and has seen that the market that was generated from

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commercial space and Metro has created a rousing demand for housing. He does not believe the Mayor and Council's actions will thwart residential development if it proves to be feasible and the current agreement as amended provides for an incentive for just that. Councilman Tyner strongly agreed with Councilman Abrams and said he too favors residential development and the new agreement eliminates the cumbersome administrative mechanism so that the developer can go as the market dictates.

On motion of Councilman [redacted], duly seconded and passed by unanimous vote of all voting, Resolution No. 39-84, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, authorizing the Mayor to sign the amended and restated disposition and development agreement with New Rockville Town Center Partners (NRTCP), was approved by the Mayor and Council.

Re: Approval of mutual release
between NRTCP and Mayor and
Council for the original
Town Center disposition
and development agreement

This is a mutual release between New Rockville Town Center Partners and the Mayor and Council of Rockville in connection with the original Disposition and Development Agreement.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Mayor was authorized to execute a mutual release once the amended and restated disposition and development agreement was fully executed.

Re: Decision on F. Scott
Fitzgerald Theatre
Improvements Funding

The City Manager explained that the staff has devised four plans or schemes for funding improvements to the F. Scott Fitzgerald Theatre. Since 1981 the City has spent \$475,000 on improvements to the theatre and another \$100,000 is budgeted to install a catwalk for access to the lighting system this year. The

City Manager has recommended, after reviewing the various plans, that the Mayor and Council approve a request by the City for a State Project of \$1 million that would fund construction of scheme two and the catwalk with the State providing \$750,000, three fourths of the total. This would give the City 50% credit for the \$475,000 previously spent.

<u>Cost/Scheme</u> <u>City's 50% Share</u>	<u>Annual Debt</u>	<u>Cost/</u> <u>Seat/Year</u>	<u>Ticket Cost</u> <u>(cost/performance)</u>
Scheme One(\$650,000)			
\$325,000 (City Share)			
\$100,000 (Catwalk)			
\$425,000	\$41,186	\$82	\$1.17*
Scheme Two (\$850,000)			
\$425,000 (City Share)			
\$100,000 (Catwalk)			
\$525,000	\$57,060	\$114	\$1.63*
Scheme Three (\$1,100,000)			
\$550,000 (City Share)			
\$100,000 (Catwalk)			
\$650,000	\$70,646	\$141	\$2.01*
Scheme Four (\$1,500,000)			
\$750,000 (City Share)			
\$100,000 (Catwalk)			
\$850,000	\$92,384	\$185	\$2.64*

*Based on full attendance (35,000 persons per year)

Councilman Tyner complimented the staff on the assembly the data. Councilman Abrams noted that the City's Delegates seem to be amenable to the funding. Councilman Tyner said the Delegates fully support the bill along with the entire County delegation. Councilman Duncan commented that he supports the staff's recommendations. Councilman Hartogensis asked if the assumptions might not be a trifle optimistic. Councilman Tyner suggested a soft match should be stressed.

Councilman Abrams moved, duly seconded and unanimously passed, that the staff proceed with Scheme Two.

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Re: Approval of comments to
County Executive re Red
Brick Courthouse

The County Executive has invited comments from Rockville on the County staff's report on proposed re-uses for the Red Brick Courthouse. The City has recommended the following uses be approved:

Travel office and visitors' information center; Public meetings/ceremonial space; museum or art gallery; Peerless Rockville Offices; and Rockville Chamber of Commerce Offices.

They opposed locating either the emergency operation center or the County's Management Development Program in the Red Brick Courthouse.

On motion of Councilman Duncan, duly seconded and unanimously passed the comments to the County Executive were approved.

Re: Approval of Testimony for
public hearing on Bill
MC515-85, Municipal
Authority to Tax Hotels

This bill would give the City the Authority to tax hotels and related establishments within the borders of the City.

On motion of Councilman Tyner, duly seconded and unanimously passed, the testimony was approved. Councilman Hartogensis will testify on behalf of the City.

Re: Award of Bid - Utility
Billing Software

On September 11, 1984, the City released a revised Utility Billing Request for Proposals. The Request for Proposals was sent to 8 prospective bidders. The City received three bids on October 19, 1984, at follows:

<u>Bidders</u>	<u>Required Features</u>	<u>Optional Features</u>	<u>Total</u>	<u>Implementation & Training</u>
Idaho Computer Services	\$20,000	\$11,500	\$31,500	Est. of \$5,900
Infocomp Services	\$55,500	\$35,500	\$91,000	Expenses
Western Data Corporation	\$69,950	\$38,925	\$108,875	\$6,400 plus expenses

Because of the wide cost divergence in the three proposals, the evaluative effort was focused on the system proposed by the low bidder, Idaho Computer Services. Idaho Computer Services has demonstrated their existing system for City staff and in its present state, it appears to be an extremely close match for the City's needs. Furthermore, many of the modifications in the existing software required to meet the City's required or optional features are presently in development by the bidder in order to meet the needs of their other clients. Both these circumstances have not only contributed to the low cost of their bid, but also will tend to reduce the time required for implementation. Idaho Computer Services clients have provided favorable reports on their experience with the company.

In addition to the bid price of \$27,000, installation support and training costs of approximately \$6,000 will be incurred.

It is recommended that the City Manager be authorized to enter into an agreement(s) with Idaho Computer Services to provide software as outlined in their proposal dated October 18, 1984, for the amount of \$27,000, with the understanding that there will be implementation and training costs of approximately \$5,900 and possibly the need for change orders during the implementation process.

Mayor Kovsepien asked that the staff look into some method in the water billing process of indicating whether or not a property is a "rental property" because of problems expressed by a landlord in recent correspondence.

Councilman Hartogensis suggested the staff be sensitive to no different

treatment for a rental property than that accorded owner occupied.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Bid for utility billing software was awarded to the Idaho Computer Services for the amount of \$27,000 with additional training costs of approximately \$59,000 and possibly the need for change orders during the implementation process.

Re: Resolution: To dissolve
Humanities Commission

Resolution No. 40-84

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 40-84, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, dissolving the Humanities Commission, was approved by the Mayor and Council.

Re: Award of Contract: Bid
No. 49-85, Public Works
Inspection Services

The Inspection Division of the Public Works Department is presently experiencing a workload which is difficult to properly manage. This has both financial and safety implications.

The Inspection staff is unable to keep abreast of these responsibilities because of personnel shortages. The position of Inspection Supervisor has not been filled since the untimely death of Jack Dixon. In addition, one of the most capable inspectors recently resigned and another is on a part-time status due to health problems.

As an interim measure, staff proposes to obtain temporary relief through the use of up to three contract inspection personnel. The contract is to run until December 1985, at which time it may be extended by mutual agreement.

The contract was advertised in the Washington Post and, in addition, notices were sent to twelve area engineering firms which included firms familiar to the staff as well as others selected randomly from the phone book yellow

pages. Six firms requested bidding documents and of this number two submitted bids as follows:

Kidde Consultants, Inc., Rockville, MD	- \$23.65 per hour	\$28,380
Greenhorne & O'Mara, Rockville, MD	- \$33.00 per hour	\$39,600

The Greenhorne & O'Mara proposal includes a disqualifying statement as follows:

- "1. Greenhorne & O'Mara reserves the right to review and discuss, as well as make deletions or changes to, the contract relating to issues concerning professional liability and/or legal review.
2. Greenhorne & O'Mara's fee will not be changed as a result of any potential modifications to the contract."

It is the staff's recommendation that Greenhorne & O'Mara, Inc.,'s proposal be disqualified based on their statement of exception to the specifications.

The low bidder, Kidde Consultants, Inc., has submitted resumes of the personnel they propose to use which meet the experience and qualification levels requested by the contract specifications. Staff recommends the contract be awarded to Kidde Consultants, Inc., at the hourly rate of \$23.65 with authorization to the staff to utilize the contract employee on City capital projects on an as-needed basis.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid 49-85 was awarded to Kidde Consultants, Inc., at the hourly rate of \$23.65 with authorization to use the contract employee on an as-needed basis.

Re: Approval of Minutes

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all voting, Councilman Hartogensis abstaining, the Minutes of Meeting No. 38-84, were approved as amended.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of Meeting No. 39-84, were approved as corrected.

Re: Correspondence

1. Mrs. R. E. Bushnell, re renaming Monroe Street
2. Mr. & Mrs. Mike Mijan, re Safeway store
3. R. L. Berman, re Planning Area 12
4. Maryland Geological Survey, re Poor Farm Cemetery
5. Mayor and Council of Galena, Maryland, re Statue of Liberty
6. R. Dangel, re water bill
7. S. Albersheim, Energy Commission Chairman, re change in scope of Commission with Manager's recommendation.

Councilman Luncan asked that this be brought back on a future agenda.

Re: Information Items

1. RBBA, thank you
2. Copy of letter to Board of Appeals from Mr. Premo
3. Letter complimenting City employee
4. Memo from Community Resources re Shelters for Homeless

Councilman Duncan asked if in fact the Shelter were opened December 1. The City Manager said he would get back to the Council on that.

5. Response to citizen complaint
6. Study of Summit Apartments relocation
Summit Apartments Status Report

Councilman Abrams said he has become concerned over the expenditure of City funds for this particular project. It is with a good deal of reluctance that he is requesting an audit of the program and the financial status of the UCCM's management of the City's account. He has questions he would like answered, one being is the UCCM the appropriate organization to carry on worthwhile tasks on behalf of the public, since it has very good intentions but not sufficient managerial controls. He would like the audit done by the City itself or by an independent audit or he would like to know how the money is spent and the managerial practices on both the Summit Apartments report and the REAP fund. Mayor Hovsepien said she would abstain from discussion since she is a member of the Board of the UCCM. The City Manager noted the City has a perfect right to review the REAP program since it is an on-going responsibility. Concerning the Summit study, the City contracted for a product and it should be delivered in accordance with the terms of the contract and the City will see that that is done. Councilman Abrams suggested that the City might still be in a position

to terminate the contract. The Human Rights Commission's efforts for a plan to be put forth will be based on the raw material coming from this Summit report. If the report is not sufficient, perhaps the Human Rights Commission could utilize the resources and get the job done. He added he is not satisfied with the explanations as to why the job has not been job up to this point and he would like to avoid throwing good money after bad. The City Manager assured the Council that the staff will follow the appropriate avenue to get full compliance.

7. Letter to residents re Rockville Heights storm water management

8. Memo on change in newsletter schedule

Councilman Tyner said he had no problem with the change in the newsletter's schedule.

10. Information on Holladay/Tyler air pollution

Re: New Business

1. Councilman Hartogensis said he does not like holding Saturday morning visits behind locked doors. He has explored the problem with the Chief of Police who suggested the use of Explorer Volunteer Scouts who might be present in the lobby for security purposes. The Council agreed this should be pursued.

2. Councilman Duncan said the schools have produced four State athletic championship teams this year. He would like them all to come to the Council meeting. Mayor Hovsepien asked that the Merit Scholars also be included.

3. Councilman Abrams suggested the City explore the possibility of adopting an ordinance that would mandate all contracts written on residential real property within the City limits should include the public schools that would serve that home. Councilman Duncan suggested possibly pointing out where to get the information might be sufficient. Councilman Abrams did not feel that was enough. The City Attorney will prepare a memo to the Council on this.

4. Councilman Abrams suggested that the previously adopted Rockville Policy Statement on Schools be placed on the Mayor and Council's agenda for review.

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5. Councilman Abrams noted that from time to time in City generated documents, certain factoids appear. These are statements that are less than accurate. He cited the statement saying the cost of commercial property is greater to a municipality than residential property. He suggested that more attention be given to the accuracy of these statements.

6. Mayor Hovsepian asked if the Council might be provided with an update on the December 10 SAS Activities. The City Manager will provide this.

7. Mayor Hovsepian brought to the Council's attention a letter to the Montgomery County Council concerning the Gaithersburg Vicinity Plan. Mark Friis from the Planning Department explained the items in the letter. The Mayor and Council approved it.

8. Councilman Hartogensis noted that he has worked out a schedule for visiting the City departments and welcomed other Councilmembers to join him.

Re: Executive Session

There being no further business to come before the Council in general session, the meeting was closed for executive session to discuss litigation, for consultation with legal counsel and personnel matters.

Re: Adjournment

There being no further business to come before the Council in Executive Session, the meeting was adjourned at midnight to convene again for public hearing on Tuesday, December 4, 1984, at 8:00 p.m. or at the call of the Mayor.